

DIRECT TESTIMONY OF THOMAS MCGILL

ON BEHALF OF

THE SOUTH CAROLINA OFFICE OF REGULATORY STAFF

DOCKET NO. 2018-26-T

**IN RE: PETITION OF THE OFFICE OF REGULATORY STAFF TO
REVOKE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY
OF CERTAIN MOTOR CARRIERS FOR FAILURE TO FILE ANNUAL
REPORTS AND/OR GROSS RECEIPTS 2017**

Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS AND OCCUPATION.

A. My name is Thomas McGill and my business address is 1401 Main Street, Suite 900, Columbia, South Carolina 29201. I am employed by the South Carolina Office of Regulatory Staff ("ORS") in the Safety, Transportation, and Emergency Response Division.

Q. WHAT ARE YOUR DUTIES IN THE SAFETY, TRANSPORTATION AND EMERGENCY RESPONSE DIVISION?

A. My primary duties are to assist in the coordination of emergency response activities at ORS. In addition to those duties, I am also responsible for conducting household good carrier compliance audits, creating reports, and other administrative duties that ensure carrier compliance.

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS PROCEEDING?

A. The purpose of my testimony is to provide information related to Class E motor carriers that have failed to file Annual Reports and/or Gross Receipts with ORS.

Q. DO THE PUBLIC SERVICE COMMISSION RULES AND REGULATIONS REQUIRE MOTOR CARRIERS TO FILE ANNUAL REPORTS?

A. Yes. 10 S.C. Code Regs. 103-231 (2012) requires applicants for a Class E Certificate of Public Convenience and Necessity ("CPCN") to file an annual report on or before March 31 of each year.

Q. ACCORDING TO SOUTH CAROLINA LAW, ARE CLASS E CARRIERS REQUIRED TO FILE GROSS RECEIPTS?

Yes. Pursuant to S.C. Code Ann. §§ 58-3-100, 58-3-540 and 58-4-60 (2015 and Supp. 2015), the public utilities subject to the Commission's jurisdiction are assessed by the Department of Revenue based on amounts that are certified by the Commission, the review committee, and ORS. ORS may require the production of books, records and other information concerning any matter about which the ORS is authorized to inquire or keep itself informed or which it is required to enforce. S.C. Code Ann. § 58-4-55 (Supp. 2015). Gross Receipts were due to ORS by August 31, 2017.

Q. PLEASE EXPLAIN EXHIBITS A AND B, WHICH WERE FILED WITH THE ORS PETITION.

A. Exhibit A lists the Class E CPCN holders that have failed to file Annual Reports, as required by the Commission rules and regulations, and Exhibit B lists the Class E CPCN holders that have failed to file Gross Receipts as required by South Carolina statute.

Q. HAVE THE MOTOR CARRIERS LISTED ON EXHIBITS A AND B BEEN PROVIDED WITH NOTICE OF THEIR FAILURE TO FILE THE REQUIRED REPORTS?

1 **A.** Yes. Concurrent with the filing of my testimony, ORS mailed a copy of the ORS
2 Petition to each motor carrier listed in Exhibits A and B. Prior to filing the Petition, ORS
3 sent each motor carrier a courtesy letter to notify the motor carrier of the requirement to
4 maintain and file Annual Reports and Gross Receipts with ORS. Additionally, ORS
5 attempted additional communication through phone calls and emails. Finally, ORS
6 Transportation Inspectors contacted all applicable Class E CPCN motor carriers that could
7 be located.

8 **Q. WHAT WILL BE THE RESPONSE OF ORS IF A MOTOR CARRIER RESPONDS**
9 **TO THIS PETITION WITH THE PROPER REPORTS?**

10 **A.** ORS will provide updated Exhibits A and B on the date of the hearing to remove
11 any motor carriers that have filed the required reports, were granted a temporary suspension
12 by the Commission or have voluntarily cancelled their Class E CPCN.

13 **Q. WHAT ACTION DOES ORS RECOMMEND THE COMMISSION TAKE IN**
14 **RESPONSE TO THIS PETITION?**

15 **A.** ORS respectfully requests the Commission revoke the Class E CPCNs for those
16 motor carriers listed in the updated Exhibits A and B for failure to comply with the
17 Commission's rules and regulations and South Carolina statute.

18 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

19 **A.** Yes.